

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

U.S. COMMODITY FUTURES TRADING  
COMMISSION, *et al.*

Plaintiffs,

V.

TMTE, INC. a/Ida METALS.COM, CHASE  
METALS, INC., CHASE METALS, LLC,  
BARRICK CAPITAL, INC., LUCAS THOMAS  
ERB a/Ida LUCAS ASHER a/Ida LUKE ASHER,  
and SIMON BATASHVILI,

Defendants,

TOWER EQUITY, LLC,

Relief Defendant.

CIVIL ACTION NO.  
3:20-CV-2910-L

**APPENDIX IN SUPPORT OF RECEIVER'S MOTION**  
**TO HOLD DEFENDANT SIMON BATASHVILI IN CIVIL CONTEMPT**

The Receiver submits the following Appendix in Support of the Receiver's Motion to Hold Defendant Simon Batashvili in Civil Contempt, as follows:

Exhibit A Declaration of Receiver Kelly Crawford, pages 3 to 6

Exhibits attached to Declaration:

Exhibit 1 Records from East West Bank<sup>1</sup> pages 7 to 11Exhibit 2 Records from City Bank<sup>2</sup> pages 12 to 30

Exhibit 3 Excerpts from Transcript of Batashvili Deposition pages 31 to 35

<sup>1</sup> The records have been redacted to protect confidential information regarding bank account numbers, etc.

<sup>2</sup> The records have been redacted to protect confidential information regarding bank account numbers, etc.

Exhibit 4 Letter to Attorney for Batashvili pages 36 to 37

Exhibit 5 Batashvili Email Correspondence re Jewelry Insurance pages 38 to 58

Exhibit 6 Letter to Attorney for Asher pages 59 to 61

Dated: May 11, 2021

Respectfully submitted,  
**SCHEEF & STONE, L.L.P.**

By: /s/ Peter Lewis  
Peter Lewis  
Texas State Bar No.12302100  
Peter.lewis@solidcounsel.com

500 N. Akard Street, Suite 2700  
Dallas, Texas 75201  
(214) 706-4200 – Telephone  
(214) 706-4242 – Telecopier

**ATTORNEY FOR RECEIVER  
KELLY M. CRAWFORD**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on May 13, 2021, I electronically filed the foregoing document with the clerk of the U.S. District Court, Eastern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record.

/s/ Peter Lewis  
**PETER LEWIS**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. COMMODITY FUTURES TRADING  
COMMISSION, *et al.*

Plaintiffs,

v.

TMTE, INC. a/k/a METALS.COM, CHASE METALS, INC.,  
CHASE METALS, LLC, BARRICK CAPITAL, INC., LUCAS  
THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER,  
and SIMON BATASHVILI,

Defendants,

TOWER EQUITY, LLC,

Relief Defendant.

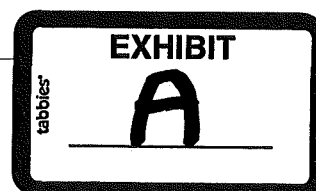
CIVIL ACTION NO.  
3:20-CV-2910-L

**DECLARATION OF RECEIVER KELLY M. CRAWFORD**

My name is Kelly M. Crawford, I am over 18 years of age, have never been convicted of any crime involving moral turpitude and I am fully competent to make this Declaration.

1. I am the Receiver appointed by this Court by an *Order Granting Plaintiffs' Emergency Ex Parte Motion for Statutory Restraining Order, Appointment of Receiver, and Other Equitable Relief (the "SRO")* entered on September 22, 2020 in the case styled above and I have personal knowledge of each of the facts stated below.

2. Pursuant to my duties as Receiver, I have been investigating the assets owned or controlled by the Defendants and Relief Defendants to determine the assets subject to and recoverable under the SRO and the Individuals' Consent Order and Entities' Consent Order



(collectively, the “Receivership Orders”).<sup>1</sup>

3. In the course of my investigation, I have become aware of numerous violations of the Receivership Orders by Defendant Simon Batashvili (“Simon”).

4. On September 24, 2020 I observed a process server serve Fainche McCarthy, the wife of Defendant Simon, with the *SRO* and other pleadings at Defendant Simon’s residence. Soon after such service I, along with my attorney Peter Lewis, knocked on the door of Simon’s residence. We were greeted by Fainche. I introduced myself to Fainche, explained my duties as Receiver, and informed her that I needed to make entry to the house in order to conduct an inventory of the assets. She would not allow me access to the house, but instead told me she was calling her husband. I observed Fainche as she was talking on the phone with her husband. She then told me that I needed to speak with Mark Rasmussen, Simon’s attorney at Jones Day.

5. At the request of Defendant Simon, as conveyed to me by Fainche, I spoke by telephone with Mark Rasmussen of Jones Day. Mr. Rasmussen has served as a federal equity receiver, and is familiar with receiverships. Mr. Rasmussen was aware of the receivership. He told me that Jones Day has been counsel to the Defendants. I asked him if Jones Day was going to continue as counsel for the Defendants and he said he had not yet been decided. He asked if I would return to Simon’s house the following day when their child was away at school. I agreed and set up an appointed time the following morning to return to Simon’s house.

6. On September 25, 2020, I returned to Simon’s house to conduct an inventory of the assets in the house. I was accompanied by my attorney Peter Lewis and my paralegal Will

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<sup>1</sup> The Consent Order of Preliminary Injunction and Other Equitable Relief Against Defendants Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher and Simon Batashvili (the “Individuals’ Consent Order”) [Docket No. 165], and the Consent Order of Preliminary Injunction and Other Equitable Relief Against Defendants TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., and Relief Defendant Tower Equity, LLC (the “Entities’ Consent Order”)[Docket No. 164].

Hester. Simon was not present during the inventory and Fainche. During the inspection of Simon's house I did not find any watches.

7. I later discovered that on the same day I was at Simon's house conducting an inventory of assets, Simon transferring monies that should have been turned over to the receivership to an account in which his brother Perez Batashvili was the signatory<sup>2</sup>. Attached hereto as **Exhibit 1** are records from East West Bank regarding an account in the name of "Tower Estates, Inc." and the signature card showing Simon Batashvili as the sole authorized signatory for the account. The records also include the bank statement for September, 2020 and detail for the wire made on September 25, 2020 in the amount of \$492,500 to an account at City National Bank.

8. In response to my request pursuant to the SRO, City National Bank produced records for the account in the name of Tx Admin. Inc. that received the \$492,500. Simon's brother Perez Batashvili is the signatory of the account. A true and correct copy of the bank records produced by City National Bank are attached hereto as **Exhibit 2**. The records include the signature card, the monthly record of transactions, the wire detail, and copies of checks.

9. On November 4, 2021 I took the asset deposition of Simon. True and correct excerpts from the transcript of the deposition of Simon are attached hereto as **Exhibit 3**.

10. During his deposition Defendant Simon on numerous occasions promised to provide information I requested. Such information is critical to the receivership and includes information regarding the CatBat Family Trust that Simon set up. During the deposition Defendant Simon claimed to not know specifics about the trust or the name of the trustee, but promised to provide that information to me after the deposition. My other requests for information

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<sup>2</sup> Perez was familiar with the receivership because he was present in Simon's house on September 24, 2020 when I first spoke with Fainche.

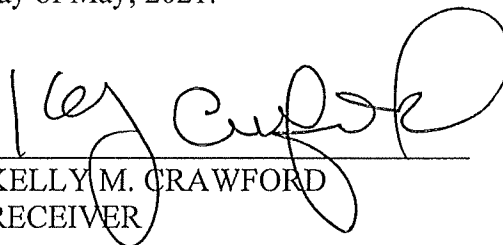
included his total compensation for the year 2018, a list of all financial institutions in which he has been a signatory, and contact information for his accountant. Since I took Defendant Simon's deposition more than 6 months ago, Defendant Simon has not provided to me *any* of the information I requested and that he promised to provide. I wrote to Defendant Simon's counsel and informed him that Defendant Simon was violating the SRO by not providing the information. A true and correct copy of my correspondence to his counsel is attached hereto as **Exhibit 4**.

11. Furthermore, in the course of his asset deposition on November 4, 2021, Defendant Simon falsely testified he had no interest in any jewelry assets. *See Exhibit 3*. After Defendant Simon's deposition I discovered documentation showing Defendant Simon and his wife Fainche sought insurance for valuable jewelry assets owned by he and his wife six months prior to his deposition, as shown in **Exhibit 5**.

12. Attached as **Exhibit 6** is a true and correct letter to counsel for Defendant Lucas Asher regarding information Asher promised to provide to me, which has not been provided.

13. Each of the exhibits attached hereto are duplicates of the records in my possession and custody as Receiver. The records were made at or near the time of the occurrence of the matters set forth in the records. The records were maintained by me in the course of my regularly conducted activity as Receiver, and it is my belief the records were made by the regularly conducted activity as a regular practice.

14. I declare under penalty of perjury that the foregoing is true and correct and is within my personal knowledge on this 11<sup>th</sup> day of May, 2021.

  
KELLY M. CRAWFORD  
RECEIVER



**EASTWEST BANK**

135 N. Los Robles Avenue, Suite 100  
Pasadena, CA 91101

**ACCOUNT STATEMENT**

Page 1 of 1  
STARTING DATE: September 01, 2020  
ENDING DATE: September 30, 2020  
Total days in statement period: 30  
80-88027233  
( 0 )

TOWER ESTATES, INC.  
224 CONWAY AVE  
LOS ANGELES CA 90024

Enjoy the convenience of eStatements!  
You can receive your statements digitally  
online instead of waiting for a paper  
version in the mail. You can also access  
up to seven years of account history with  
just a click! Log in to your online banking  
account to switch today!

**Business Elite**

Account number	[REDACTED]	Beginning balance		\$499,990.00
Low balance	\$7,489.50	Total additions	( 0 )	.00
Average balance	\$401,489.90	Total subtractions	( 1 )	492,500.50
		Ending balance		\$7,489.50

**DEBITS**

Date	Transaction Description	Subtractions
09-25	Outgoing Wire TX ADMIN INC	492,500.50

**DAILY BALANCES**

Date	Amount	Date	Amount	Date	Amount
08-31	499,990.00	09-25	7,489.50		

**OVERDRAFT/RETURN ITEM FEES**

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00





## BUSINESS ACCOUNT SIGNATURE CARD

ACCOUNT TITLE and BUSINESS ADDRESS  
TOWER ESTATES INCACCOUNT VESTING (BUSINESS TYPE)  
CorporationTAX ID NUMBER  
[REDACTED]

## MAILING ADDRESS

1712 PIONEER AVE., STE 290  
CHEYENNE, WY 82001

## AGREEMENT

By signing below, I/we: (1) confirm that we have received and agree that the accounts and account services of the business named above ("Company") will be governed by the terms of the Bank's Deposit Agreement, Annual Percentage Yield and Account Terms Disclosure, and fee schedules; (2) acknowledge that the Deposit Agreement includes a provision for dispute resolution; (3) authorize the Bank to check our credit history from time to time; and (4) authorize the Bank to act on the oral, written or electronic instruction of any Authorized Signer listed below.

**TAX CERTIFICATION** - By signing below, I also certify under penalty of perjury that (1) the Taxpayer Identification Number set forth on this form is the correct TIN of the Company; and (2) the Company is not subject to backup withholding because: it is exempt from backup withholding; it has not been notified by the IRS that it is subject to backup withholding as a result of a failure to report all interest and dividends; or the IRS has notified it that it is no longer subject to backup withholding; and (3) Company is a U.S. person (including a U.S. resident alien).  
*Instruction:* You must cross out (2) if it is not correct. If the Company is a foreign company, check this box [ ] and do not complete this certification. Ask us, instead, for an appropriate IRS W-8 form. Check this box [ ] if the Company is currently subject to backup withholding.

The Internal Revenue Service does not require your consent to any provisions of this document other than the Tax Certifications required to avoid backup withholding.

## AUTHORIZED SIGNERS

Printed Name / Title	ID Type / ID Number	Signature	Funds Transfer Access
SIMON BATASHVILI AUTHORIZED SIGNER	CA/DL # [REDACTED] 586		<input checked="" type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Number of authorized signers required to act together to make withdrawals or transfers: [ 1 ]

[Note: This information is for your own purposes. We may permit any authorized signer to act alone. See Deposit Agreement for details.]

## RESOLUTION

**RESOLVED:** ☒ The President, any Vice President, the Secretary, Treasurer of the Company and/or ☐ \_\_\_\_\_

each is authorized to enter into deposit account, funds transfer, investment, and treasury management agreements with East West Bank, and to designate from time to time who is authorized to withdraw funds, initiate payment orders, execute service agreements, and otherwise give instructions on behalf of this Company with respect to its deposit accounts. This authorization is in addition to any other authorizations in effect and will remain in force until the Bank receives written notice of its revocation at the address(es) and in the manner designated by it.

**CERTIFICATION** - I/We certify that: (1) If the Company named above is a corporation, at least one of us is its Secretary or Assistant Secretary; if it is a partnership, we constitute all of its general partners or managing partners; or if it is a limited liability company, I am its Secretary or I/we are Member(s) and/or its only manager(s). (2) The foregoing resolution is a true copy of a resolution duly adopted by the Company's governing body and remains valid and effective. (3) The signatures and titles of the person(s) signing above as Authorized Signers are the genuine signatures and titles of those persons. (4) The person(s) listed as Authorized Signer(s) on this form are authorized to withdraw funds, initiate payment orders (if checked above), and otherwise give instructions on behalf of the Company with respect to its deposit accounts and services including to add or delete accounts to this signature card. No other person's signature or authorization is required to bind the Company with respect to the agreements or transactions mentioned in the resolution.

SIMON BATASHVILI / PRESIDENT / SECRETARY  
Printed Name/Title (President, Secretary, Partner, Member, etc.)

Signature

Date

Printed Name/Title (President, Secretary, Partner, Member, etc.)

Signature

Date





EAST WEST BANK

## BUSINESS ACCOUNT SIGNATURE CARD (Continued)

## FUNDS TRANSFER DESIGNATION AND AUTHORIZATION

East West Bank may honor fund transfer requests for the accounts and from the Authorized Signers designated on this form by the methods provided in the Bank's Deposit Agreement and by email. Please refer to the funds transfer provisions of your Deposit Agreement for information regarding the terms of the service.

☒ When the Bank confirms wire instructions through a call-back procedure, it generally calls an Authorized Signer other than the person who initiated the wire. If you check this box, you confirm that we may also call the Authorized Signer who initiated the wire to confirm the transaction.

## Wire Transfer Limits

\$ Unlimited

Max. Dollar Limit  
Single wire

## ACCOUNTS OPENED

	Account Subtitle (e.g. "Payroll Account")	Account Number	Product Code	Opened Date	Opened By	Reviewed By	Acct Officer Code
1		██████████	178	03/18/2020	Verita Verita <i>ve</i>	<i>f</i>	09279
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

## BANK USE ONLY

☐ Superseding Card: \_\_\_\_\_ By: \_\_\_\_\_ Reason: ☐ Add Signer ☐ Other: \_\_\_\_\_  
Date Employee Printed Name

## Outgoing FED Message

Printed: 2/23/2021 11:48:05AM


Requested By: JEANETTE

VERSION: 0

## MESSAGE INFORMATION

Amount:	\$492,500.50	Message ID:	200925112120H800	Source:	
Currency:	USD	Latest Version:	0	Priority:	M
Value Date:	9/25/20	Time:	11:21:21	URC:	
Bank ID:	001	Department:	WIR	Status:	COMPLETE
Message Type:	10	Branch:	001BR8032	Country Code :	US
Message Subtype:	00	Charge:		Purpose:	
Fee:	0.00	Service:	DWI	Template:	
Ref. No.:	D803209252000081	External Ref.:	DWI2020092500102		

## MESSAGE TEXT

Sender ABA:	322070381	Sender Name:	EAST WEST BANK-EWB	Ref. No.:	D803209252000081
Receiver ABA:	122016066	Receiver Name:	CITY NATIONAL BANK	Prod. Code:	CTR
Ref. IMAD:				Local Instrument Code:	
IMAD:	20200925L2B77Q1C002903	Prop. Code:			
OMAD:	20200925L2LFCK1C00697409251754FT03	Ref. for Bnf.:			
As of Reason:	As of Date:	Disposition:			
Acc Off:	001	Account:		Acc. Type:	DDA
Cr Acc Off:	Cr Acc No:	Cr Acc Type:		Initiator ID:	
Db Advice:	Db Fee:	Cr Advice:		Cr Fee:	
Drawdown Credit Account:					
Originator:		Beneficiary:			
8088027233		006853846			
TOWER ESTATES, INC.		TX ADMIN INC			
224 CONWAY AVE					
LOS ANGELES CA 90024					
LOS ANGELES CA USA 90024					
Originator Bank:	Originator Option F:	N	Beneficiary Bank:		

MESSAGE TEXT CONTINUED

**Instructing Bank:**

**Intermediary Bank:**

**Drawdown Debit Account:**

**Correspondent Bank:**

**Originator Bank Info:** PAYROLL

**Free Text:**

**BANK TO BANK INFORMATION**

**Receiver Bank Info:**

**Drawdown Debit Account:**

**Advice Code:**

**Advice Info:**



**DECLARATION AS TO BUSINESS RECORDS**

State of California, County of Los Angeles, ss:

I, the undersigned, hereby declare and state as follows:

1. I am employed by **City National Bank**, a national banking association ("CNB"), which is engaged in the general business of banking. My place of employment is at 350 South Grand Ave, 4<sup>th</sup> Floor, Los Angeles, CA 90071.
2. I am a duly authorized custodian of the records, or qualified witness, and have authority to certify the records herein described.
3. City National Bank responds to the request of Receiver Kelly Crawford in the matter of **TX Admin, Inc.**
4. Furnished herewith are true copies of all the records. If you believe a document was improperly omitted from the production, please contact us to discuss. Provided is a partial production, email communications will be provided as soon as possible.
5. The records consist of the following:

<u>Account Number</u>	<u>Account Name</u>	<u>Time Period</u>	<u>Documents Produced</u>
██████████	TX Admin, Inc	03/17/2020 – 12/21/2020	Signature card and statements

6. The bank records, true copies of which are furnished herewith, were prepared by or received by the personnel of **City National Bank** in the ordinary course of business, at or near the time of the applicable act, condition or event.
7. The records produced were copied from the original or copies maintained by City National Bank as a business record.

**TO: Scheef & Stone, LLP.  
ATTN: Kelly Crawford  
ADDRESS: 500 North Akard Street, Suite 2700  
Dallas, TX 75201**

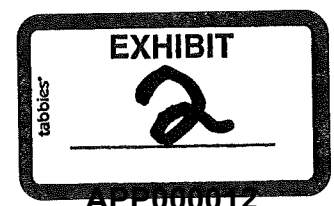
Executed at Los Angeles, California, this 19<sup>th</sup> day of March 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own personal knowledge and, if called, I would so testify.

Sadiqa Anthony – Electronic Signature

Unable to provide a wet signature at this time.

**Sadiqa Anthony  
Vice President**



**CITY NATIONAL BANK**

AN RBC COMPANY

**BUSINESS ACCOUNT AGREEMENT****GENERAL ACCOUNT INFORMATION**Account Holder(s) ("Client")/dba: TX ADMIN, INC., A DE CORPORATIONType of Account: Business Ckg (B)Account Number: [REDACTED]Mailing Address: THE GREEN, STE B DOVER, DE 19901Telephone: Information on FileE-Mail/Fax: Information on File**MINIMUM NUMBER OF SIGNATURES REQUIRED FOR AUTHORIZED WITHDRAWAL: 1**Signature Message Code: NONE**Taxpayer Information**

BY SIGNING THE "AGREEMENT BY CLIENT" BELOW, I/WE CERTIFY UNDER PENALTIES OF PERJURY THAT:

1. THE CORRECT TAXPAYER IDENTIFICATION NUMBER OF THE ACCOUNT HOLDER TO BE USED FOR TAX REPORTING PURPOSES IS: [REDACTED]; and,
2. THE ACCOUNT HOLDER IS NOT SUBJECT TO BACKUP WITHHOLDING DUE TO FAILURE TO REPORT INTEREST AND DIVIDEND INCOME; and,
3. THE ACCOUNT HOLDER IS A U.S. PERSON OR A U.S. RESIDENT ALIEN; and,
4. THE ACCOUNT HOLDER IS EXEMPT FROM FATCA REPORTING AND THE FATCA CODE (if any) ENTERED IS CORRECT.

EXCEPT (Check applicable box)

☐

The Account Holder is currently subject to backup withholding and has not been notified by the Internal Revenue Service that backup withholding has been terminated.

☐

The Account Holder is a Non-Resident Alien, Foreign Citizen or Foreign Entity and is exempt from backup withholding and information reporting and an appropriate IRS Form W-8, Foreign Status Certificate has been completed.

Exemption from backup withholding payee code (if any) \_\_\_\_\_ Exemption from FATCA reporting code for accounts outside US only \_\_\_\_\_  
Government Regulation may require that CNB report interest income information.**RESOLUTION**

**RESOLVED:** The President, any Vice President, the Secretary or the Treasurer of this Company is and at all times was authorized to enter into deposit, fund transfer, brokerage, investment, treasury management and deposit service agreements with City National Bank or City National Securities, Inc. on behalf of this Company and to designate from time to time who is authorized to withdraw funds, initiate payment order and otherwise give instructions on behalf of this Company with respect to its deposit and brokerage accounts. **RESOLVED FURTHER:** This authorization is in addition to any other authorizations in effect and shall remain in full force until City National Bank and City National Securities, Inc., receive written notice of its revocation at the address(es) and in the manner designated by them.

**Certification by Secretary:** I certify that: (1) I am the Secretary or Assistant Secretary of the Company named above; (2) the foregoing Resolution is a complete and accurate copy of a Resolution duly adopted by the Company's Board of Directors (or by the Company's member if it is an unincorporated association); (3) the Resolution is in full force and has not been revoked or changed in any way; and (4) the signature(s) in the "Agreement by Client" and "Authorized Signers" sections of this form are the genuine signatures of the person(s) authorized to take action by the Resolution

**SIGNATURE OF SECRETARY (SIGN IN BLACK INK ONLY AND SIGN ON SIGNATURE LINE BELOW)**

PEREZ BATASHVILI

PRES/SEC

3-17-20

Signature of Secretary or Assistant Secretary

Date

Account Title :

TX ADMIN, INC., A DE CORPORATION

Account Number:

[REDACTED]

**AGREEMENT BY CLIENT**

By signing below I/we, the "Client," acknowledge receipt of the Account Agreement and Disclosures and applicable disclosures and fee schedule(s) containing the terms, conditions and fees governing the account(s), products and services designated above and any accounts designated under "Additional Accounts" below and any products and services later contracted for, as amended by disclosures and fee schedule(s) provided at the time of contracting. I/We agree that these terms, conditions and fees govern each account established with City National Bank ("CNB") or City National Securities, Inc. ("CNS") and each service now or later contracted for, as amended by later disclosures. I/We agree that CNB or CNS may provide additional terms, conditions and fees from time to time, depending upon the products and services selected by me/us and that CNB or CNS may amend or change these terms, conditions and fees from time to time on any required notice. If any terms, conditions, fees and any changes thereto are not acceptable to me/us, I/we will close the account(s) or discontinue the service. Where applicable, my/our continued use of the products and/or services after receipt of the terms, conditions, fees and amendments constitute my/our acceptance of such terms, conditions, fees and amendments thereto. I/We agree that the Authorized Signer(s) may withdraw funds and initiate and confirm payment orders pursuant to the security procedure selected respecting the account(s) and each Authorized Signer may establish additional accounts with CNB or CNS in the same name(s) and subject to the same signing authority stated above, contract for additional services for the account(s), and otherwise give instruction to CNB or CNS. If I/We indicated we would like information about the products and services of CNS, you are authorized to share information about me/us between CNB and CNS.

**FURTHER AGREEMENT FOR TREASURY MANAGEMENT**

Capitalized terms used in this Authorization and Agreement, not otherwise defined, have the meanings given to them in the City National Bank Treasury Management Services Disclosure and Agreement (the "Agreement").

By signing below, the Client acknowledges receipt of the Agreement and agrees to adhere to the terms and conditions contained in the Agreement, any applicable User Documentation, setup forms, related documents, and any other disclosures provided to the Client with regard to the provision of one or more City National Bank Treasury Management Services.

The Agreement supersedes other Treasury Management Services agreements between the Client and CNB. For certain Treasury Management Services, the Agreement authorizes on page 5 the Client's System Administrator to assign passwords, user names, and Personal Identification Numbers to persons that will enable the persons to conduct transactions on deposit accounts set up on the Treasury Management Service, notwithstanding the signing authority identified in the deposit agreement. The System Administrator may also designate one or more other persons to perform these same functions the System Administrator is authorized to perform (each such person being called a "User Administrator"). THE AGREEMENT ALSO PROVIDES FOR BINDING ARBITRATION OF DISPUTES.

The Client may from time to time request CNB to provide one or more of the Services described in the Agreement. Subject to CNB's approval, the Client may begin to use any Service requested once CNB has received all required forms properly completed and the Client has successfully fulfilled any applicable user requirements, including, but not limited to, testing and training.

Further, the Client represents and warrants that the Client is fully competent to execute and deliver this Authorization and Agreement and any other documents CNB may require with respect to a Service and that, when signed by the Client, this Authorization and Agreement is the valid and binding act of the Client.

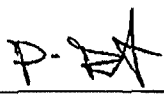
I/We certify to CNB and CNS that all the information on this Agreement is true and correct. I/We authorize CNB to obtain a ChexSystem or other similar report on Client and to report information. I/We authorize CNB to obtain a ChexSystem or other similar consumer report on each of us signing below and to report information. If I ask, CNB will tell me whether a consumer report was ordered and, if one was ordered, the name and address of the consumer reporting agency that furnished it.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

**SIGN ON THE SIGNATURE LINE BELOW**Signature: P. BatashviliName/Title: PEREZ BATASHVILI / President/SecretaryDate: 3-17-20Place of Signing: West Hollywood CA

(City and State)

**AUTHORIZED SIGNERS (SIGN IN BOX BELOW)**

X	 Sign here
---	--

Name: PEREZ BATASHVILITitle: President/Secretary

Restriction/Alias Name/Facsimile: \_\_\_\_\_



HXH1309DPCSTM

03312000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: March 31, 2020

Last statement: March 17, 2020

Contact us:

800 773-7100

006

0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office  
9229 Sunset Boulevard  
West Hollywood CA 90069

cnb.com

## Business Checking

## Account Summary

Account number

Minimum balance

Average balance

Avg. collect bal

## Account Activity

[REDACTED]	Beginning bal	(3/17/2020)		\$0.00
\$100.00	Deposits	(1)	+ 100.00	
\$100.00	Electronic cr	(0)	+ 0.00	
\$100.00	Other credits	(0)	+ 0.00	
	Total credits			+\$100.00
	Debits		- \$0.00	
	Ending balance	(3/31/2020)		\$100.00

## DEPOSITS

Date Description

3-17 Deposit

Reference

Credits Control Number

100.00 000008020008200

## DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
3-17	100.00				

APP000016



TXH1309DPCSTM

04302000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: April 30, 2020

Last statement: March 31, 2020

Contact us:

800 773-7100

006

0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office

9229 Sunset Boulevard

West Hollywood CA 90069

cnb.com

Business Checking

Account Summary

Account number

Minimum balance

Average balance

Avg. collect bal

Account Activity

Beginning bal (3/31/2020)

Credits + \$0.00

Debits - \$0.00

Ending balance (4/30/2020)

\$100.00

\$100.00

\*\* No activity this statement period \*\*

HXH1309DPCSTM

05292000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: May 29, 2020  
 Last statement: April 30, 2020

Contact us:  
 800 773-7100

006 0830N  
 TX ADMIN, INC.  
 THE GREEN, STE B  
 DOVER DE 19901

Sunset/Doheny Office  
 9229 Sunset Boulevard  
 West Hollywood CA 90069

cnb.com

## Business Checking

## Account Summary

Account number [REDACTED]  
 Minimum balance \$100.00  
 Average balance \$100.00  
 Avg. collect bal \$100.00

## Account Activity

Beginning bal	(4/30/2020)	\$100.00
Credits		+ \$0.00
Checks paid	(0)	- 0.00
Electronic db	(0)	- 0.00
Other debits	(1)	- 22.00
Total debits		- \$22.00
Ending balance	(5/29/2020)	\$78.00

## OTHER DEBITS

Date	Description	Reference	Debits	Control Number
05-29	Service Charge MONTHLY MAINT		22.00	0000000000000000

## DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
05-30	100.00	05-29	78.00		

APP000018

:XH1309DPCSTM

06302000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: June 30, 2020

Last statement: May 29, 2020

Contact us:

800 773-7100

006

0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office  
9229 Sunset Boulevard  
West Hollywood CA 90069

cnb.com

## Business Checking

## Account Summary

Account number [REDACTED]

Minimum balance

Average balance

Avg. collect bal

\$78.00

\$78.00

\$78.00

## Account Activity

Beginning bal (5/29/2020)

Credits

Checks paid

Electronic db

Other debits

Total debits

Ending balance

(5/29/2020)

(0)

(0)

(1)

(1)

(6/30/2020)

+ \$0.00

- 0.00

- 0.00

- 22.00

\$78.00

- \$22.00

\$56.00

## OTHER DEBITS

Date Description

6/30 Service Charge MONTHLY MAINT

Reference

Debits Control Number

22.00 0000000000000000

## DAILY BALANCES

Date	Amount	Date	Amount	Amount
6/29	78.00	06-30	56.00	

APP000019

XHX1309DPCSTM

07312000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: July 31, 2020

Last statement: June 30, 2020

Contact us:

800 773-7100

006

0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office  
9229 Sunset Boulevard  
West Hollywood CA 90069

cnb.com

EFFECTIVE JULY 1, 2020, WE HAVE CHANGED OUR FUNDS AVAILABILITY  
POLICY. WE HAVE INCREASED THE AMOUNT WE MAKE CHECK DEPOSITS  
AVAILABLE FOR WITHDRAWAL IF LONGER DELAYS APPLY FROM \$200 TO \$225. IN  
ADDITION, THE AMOUNT AVAILABLE FOR WITHDRAWAL ON EXCEPTION HOLDS FOR  
LARGE DEPOSITS AND NEW ACCOUNTS INCREASED FROM \$5,000 TO \$5,525. SEE  
OUR ACCOUNT AGREEMENT AND DISCLOSURES FOR MORE INFORMATION.

## Business Checking

Account Summary		Account Activity			
Account number	[REDACTED]	Beginning bal	(6/30/2020)		\$56.00
Minimum balance	\$56.00	Credits		+ \$0.00	
Average balance	\$56.00	Checks paid	(0)	- 0.00	
Avg. collect bal	\$56.00	Electronic db	(0)	- 0.00	
		Other debits	(1)	- 22.00	
		Total debits			- \$22.00
		Ending balance	(7/31/2020)		\$34.00

## OTHER DEBITS

Date	Description	Reference	Debits	Control Number
7-31	Service Charge MONTHLY MAINT		22.00	0000000000000000

## DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
6-30	56.00	07-31	34.00		

APP000020

HXH1309DPCSTM

08312000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: August 31, 2020

Last statement: July 31, 2020

Contact us:

800 773-7100

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0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office  
9229 Sunset Boulevard  
West Hollywood CA 90069

cnb.com

## Business Checking

## Account Summary

Account number [REDACTED]

Minimum balance

Average balance

Avg. collect bal

\$34.00

\$34.00

\$34.00

## Account Activity

Beginning bal (7/31/2020)

Credits

Checks paid

Electronic db

Other debits

Total debits

Ending balance

(7/31/2020)

(0)

(0)

(1)

(1)

(8/31/2020)

+ \$0.00

- 0.00

- 0.00

- 22.00

\$34.00

- \$22.00

\$12.00

## OTHER DEBITS

Date Description

08-31 Service Charge MONTHLY MAINT

Reference

Debits Control Number

22.00 0000000000000000

## DAILY BALANCES

Date	Amount	Date	Amount	Amount
08-31	34.00	08-31	12.00	

APP000021

XHX1309DPCSTM

09302000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: September 30, 2020

Last statement: August 31, 2020

Contact us:

800 773-7100

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0830N

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

Sunset/Doheny Office  
9229 Sunset Boulevard  
West Hollywood CA 90069

cnb.com

UPDATES HAVE BEEN MADE TO YOUR ACCOUNT AGREEMENT THAT TAKE EFFECT IMMEDIATELY. THE UPDATES PERTAIN TO THE FOLLOWING SECTIONS: SPECIAL RULES FOR NEW ACCOUNTS (UNDER FUNDS AVAILABILITY AND DEPOSIT HOLDS); ACCOUNTS OWNED BY MINORS; THE BANK'S RIGHTS IN ADVERSE CLAIMS AND FREEZING ACCOUNTS; AND MULTIPLE SIGNATURE REQUIREMENTS. CONTACT YOUR RELATIONSHIP MANAGER OR SEE WWW.CNB.COM/ACCOUNTAGREEMENT FOR DETAILS.

## Business Checking

Account Summary		Account Activity		
Account number	[REDACTED]	Beginning bal	(8/31/2020)	\$12.00
Minimum balance	\$12.00	Deposits	(0)	+ 0.00
Average balance	\$85,173.43	Electronic cr	(1)	+ 492,500.50
Avg. collect bal	\$85,173.00	Other credits	(0)	+ 0.00
		Total credits		+\$492,500.50
		Checks paid	(0)	- 0.00
		Electronic db	(1)	- 200,000.00
		Other debits	(2)	- 50.00
		Total debits		- \$200,050.00
		Ending balance	(9/30/2020)	\$292,462.50

## ELECTRONIC CREDITS

Date	Description	Credits	Control Number
09-25	Incoming Wire-Dom	492,500.50	200925000017042

## ELECTRONIC DEBITS

Date	Description	Debits	Control Number
09-29	Domestic Wire	200,000.00	200929000015995

APP000022

TXH1309DPCSTM

09302000006853846

TX ADMIN, INC.  
September 30, 2020

Page 2  
Account #: [REDACTED]

OTHER DEBITS

Date	Description	Reference	Debits	Control Number
09-25	Service Charge INCOMING WIRE-DOM		15.00	0000000000000000
09-29	Service Charge DOM OUTGOING WIRE		35.00	0000000000000000

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
09-31	12.00	09-25	492,497.50	09-29	292,462.50

XHX1309DPCSTM

10302000006853846

Page 1 (0)

Account #: [REDACTED]

This statement: October 30, 2020  
 Last statement: September 30, 2020

Contact us:  
 800 773-7100

006 0830N  
 TX ADMIN, INC.  
 THE GREEN, STE B  
 DOVER DE 19901

Sunset/Doheny Office  
 9229 Sunset Boulevard  
 West Hollywood CA 90069  
 cnb.com

## Business Checking

Account Summary		Account Activity		
Account number	[REDACTED]	Beginning bal	(9/30/2020)	\$292,462.50
Minimum balance	\$42,427.50	Credits		+ \$0.00
Average balance	\$122,441.50	Checks paid	(0)	- 0.00
Avg. collect bal	\$122,441.00	Electronic db	(1)	- 100,000.00
		Other debits	(2)	- 150,035.00
		Total debits		- \$250,035.00
		Ending balance	(10/30/2020)	\$42,427.50

## ELECTRONIC DEBITS

Date	Description	Debits	Control Number
10-13	Domestic Wire	100,000.00	201013000006483

## OTHER DEBITS

Date	Description	Reference	Debits	Control Number
10-9	Transfer Debit TRANSFER TO DEPOSIT ACCOUNT	00600121707	150,000.00	211001009160642
10-13	Service Charge DOM OUTGOING WIRE		35.00	000000000000000

## DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
10-30	292,462.50	10-09	142,462.50	10-13	42,427.50

APP000024



HXH1309DPCSTM

11302000006853846

Page 1 (1)

Account #: [REDACTED]

This statement: November 30, 2020  
 Last statement: October 30, 2020

Contact us:  
 800 773-7100

006 0830L  
 TX ADMIN, INC.  
 THE GREEN, STE B  
 DOVER DE 19901

Sunset/Doheny Office  
 9229 Sunset Boulevard  
 West Hollywood CA 90069

cnb.com

## Business Checking

## Account Summary

Account number [REDACTED]  
 Minimum balance \$40,320.38  
 Average balance \$41,000.10  
 Avg. collect bal \$41,000.00

## Account Activity

Beginning bal	(10/30/2020)	\$42,427.50
Credits		+ \$0.00
Checks paid	(1)	- 2,107.12
Electronic db	(0)	- 0.00
Other debits	(0)	- 0.00
Total debits		- \$2,107.12
Ending balance	(11/30/2020)	\$40,320.38

## CHECKS PAID

Number	Date	Amount	Control
	11-10	2,107.12	000008070040900

## DAILY BALANCES

Date	Amount	Date	Amount
10-30	42,427.50	11-10	40,320.38

APP000025

HXH1309DPCSTM

12312000006853846

Page 1 (1)

Account #: [REDACTED]

This statement: December 31, 2020  
 Last statement: November 30, 2020

Contact us:  
 800 773-7100

006 0830L  
 TX ADMIN, INC.  
 THE GREEN, STE B  
 DOVER DE 19901

Sunset/Doheny Office  
 9229 Sunset Boulevard  
 West Hollywood CA 90069

cnb.com

\*\* Closed Account - Final Statement

Business Checking

Account Summary		Account Activity		
Account number	[REDACTED]	Beginning bal	(11/30/2020)	\$40,320.38
Minimum balance	\$0.00	Credits		+ \$0.00
Average balance	\$34,272.32	Checks paid	(1)	- 40,320.38
Avg. collect bal	\$34,272.00	Electronic db	(0)	- 0.00
		Other debits	(0)	- 0.00
		Total debits		- \$40,320.38
		Ending balance	(12/31/2020)	\$0.00

CHECKS PAID

Number	Date	Amount	Control
165	12-18	40,320.38	000008250033100

DAILY BALANCES

Date	Amount	Date	Amount	Date	Amount
12-30	40,320.38	12-18	.00		

APP000026

Run Date: 26-Mar-21  
Run Time: 8:32 PM

<b>BNK:</b> CNB	<b>SND DATE:</b> 200929	<b>VAL:</b> 200929	<b>TRN:</b> 200929-00015995
<b>AMT:</b> \$200,000.00		<b>CUR:</b> USD	<b>FOR AMT:</b> 200,000.00
<b>SRC:</b> FAX	<b>ADV:</b> FED	<b>TYP:</b> FTR	<b>CHECK NUM:</b>

**DBT:** D/006853846  
**ACC:** [REDACTED]  
**DEPT:** 006  
TX ADMIN, INC.  
THE GREEN, STE B  
DOVER DE 19901

**ON FILE:** N  
**CTRY:**

**CDT:** A/121000358  
**ACC:** [REDACTED]  
**DEPT:** 098  
BANK OF AMERICA, NTSA  
555 CALIFORNIA ST.  
SAN FRANCISCO, CA 94104

**ON FILE:** Y  
**CTRY:**

**BNF:** /325111475063  
MB STYLE INC  
134 S ELM DR  
BEVERLY HILLS CA 90212

**BK:** N

**ORIG TO BNF INFO:**  
PAYING INVOICE

BNK: CNB	SND DATE: 200925	VAL: 200925	TRN: 200925-00017042
AMT: \$492,500.50		CUR: USD	FOR AMT: 492,500.50
SRC: FED	ADV: LTR	TYP: FTR	CHECK NUM:
LOC:			

DBT: A/322070381		CDT: D/006853846	
ACC: [REDACTED]	ON FILE: N	ACC: [REDACTED]	ON FILE: N
DEPT: 098	CTRY:	DEPT:	CTRY:
EAST WEST BANK		TX ADMIN, INC.	
PASADENA, CA		THE GREEN, STE B	
		DOVER DE 19901	
SEND:		BNF:	BK: N
SNDR REF NUM: D803209252000081		ORIG TO BNF INFO:	
		PAYROLL	
ORIG: /8088027233			
TOWER ESTATES, INC.			
224 CONWAY AVE			
LOS ANGELES CA 90024			
LOS ANGELES CA USA 90024			
REF NUM:			

Run Date: 26-Mar-21  
Run Time: 8:32 PM

BNK: CNB      SND DATE: 201013

VAL: 201013

TRN: 201013-00006483

AMT: \$100,000.00

CUR: USD

FOR AMT: 100,000.00

SRC: FAX      ADV: FED

TYP: FTR

LOC: MTRANS

CHECK NUM:

DBT: D/006853846

ACC: [REDACTED]

DEPT: 006

TX ADMIN, INC.

THE GREEN, STE B

DOVER DE 19901

ON FILE: N

CTRY:

CDT: A/021000021

ACC: [REDACTED]

DEPT: 098

CHASE MANHATTAN BANK

4 NEW YORK PLAZA 15 FLR

NEW YORK CITY NY

ON FILE: Y

CTRY:

BNF: /3612297809

PEREZ BATASHVILL

8564 FRANKLIN AVE

LOS ANGELES, CA 90069

BK: N

TX ADMIN, INC.  
THE GREEN, STE B  
DOVER DE 19901

16-1606/1220 0001

Case 3:20-cv-02910-L Document 251 Filed 05/13/21 Page 30 of 63 Page ID 3943

PAY TO THE ORDER OF City National Bank \$ 2,107.12

Two thousand one hundred & seven 12/100 DOLLARS

CITY NATIONAL BANK City National Bank  
(800) 773-7100

MEMO expenses x P. A.

1 2 2 0 1 6 0 6 6 1 0 0 0 1

Date:20201110 Check:1 Account:6853846 Amount:2107.12

ENDORSE HERE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

TELEPHONE RESERVE BANK

COVENANTS REG. CO.

Date:20201110 Check:1 Account:6853846 Amount:2107.12

TX Admin Inc. COUNTER CHECK

Account No. [REDACTED] DATE 12/18/20

PAY TO THE ORDER OF Perez Batashvili \$ 40,320.38

forty thousand three hundred twenty 230/100 DOLLARS

CITY NATIONAL BANK

AN RBC COMPANY

FOR

1 2 2 0 1 6 0 6 6 1 0 0 0 1

1365

Date:20201218 Check:1365 Account:[REDACTED] Amount:40320.38

7 011110756 12182020

Check# 1365

6853846 On US Dk \$40,320.38

12/18/20 11:14 AM

Date:20201218 Check:1365 Account:[REDACTED] Amount:40320.38

APP000030

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF TEXAS  
3  
4                   ) )  
5           COMMODITY FUTURES TRADING           )  
6           COMMISSION et al.,                   )  
7                   ) )  
8                   Plaintiff,                   ) Case No.:  
9                   ) ) 3:20-CV-2910-L  
10           vs.                                   )  
11                   ) )  
12           TMTE, INC. A/k/a METALS.COM,       )  
13           CHASE METALS, INC., CHASE        )  
14           METALS, LLC, BARRICK               )  
15           CAPITAL, INC., LUCAS THOMAS       )  
16           ERB a/k/a LUCAS ASHER a/k/a        )  
17           LUKE ASHER, and SIMON             )  
18           BATASHVILI                         )  
19                   ) )  
20                   Defendants.                   )  
21                   ) )  
22           and                                   )  
23                   ) )  
24           Tower Equity, LLC,                   )  
25                   ) )  
26           Relief Defendant                   )  
27                   ) )  
28  
29           REMOTE VIDEO-RECORDED DEPOSITION OF SIMON BATASHVILI  
30  
31                   Wednesday, November 4, 2020  
32  
33                   VOLUME I  
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35  
36           Stenographically Reported by:  
37           Mechelle S. Gonzalez  
38           CSR No. 13250  
39           Job No. 96641  
40  
41           PAGES 1 - 201

Page 78	Page 80
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 possession of the watch.</p> <p>2 Q. Where is that watch?</p> <p>3 A. What watch are you talking about? Because</p> <p>4 I don't have a -- I just don't have a watch.</p> <p>5 Q. Have you ever owned a watch in your</p> <p>6 lifetime?</p> <p>7 A. I've had a watch, sure.</p> <p>8 Q. Yes?</p> <p>9 A. Yes.</p> <p>10 Q. Have you ever purchased a watch outside the</p> <p>11 United States?</p> <p>12 A. If I remember correctly, I think you are</p> <p>13 right. There was a watch that was purchased in</p> <p>14 London. I think that's where it was. It could have</p> <p>15 been Paris or something like that.</p> <p>16 Q. Where is that watch?</p> <p>17 A. I don't have the watch. It should be</p> <p>18 somewhere in the house if it was, or it's lost.</p> <p>19 Q. How much did you purchase the watch for?</p> <p>20 A. I think it was under 3,000, but I'm not</p> <p>21 sure. I can't remember. Something like that.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 79	Page 81
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8 Q. Do you own any interest in any jewelry?</p> <p>9 A. Not that I'm aware of.</p> <p>10 Q. My understanding, you purchased a watch in</p> <p>11 London.</p> <p>12 Do you still have that watch?</p> <p>13 A. I ... yeah, I don't have it. I can't</p> <p>14 remember. Can you refresh my memory what the watch</p> <p>15 was?</p> <p>16 Q. Your wife told me that you had a watch that</p> <p>17 you purchased in London in the left bank.</p> <p>18 A. Oh, yeah. It's a kind of tripped up in our</p> <p>19 house. I don't know where, sometimes, things are.</p> <p>20 So I didn't -- I don't have any possession of any</p> <p>21 watch.</p> <p>22 Q. So what your wife told me was -- was not</p> <p>23 true? Is that what you're saying?</p> <p>24 A. No, I'm not saying that. I'm saying I</p> <p>25 don't have any possession of -- I don't have</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



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13 Q. Is it your testimony under oath that you  
14 have no recollection of ever being a trustee of a  
15 trust?

16 A. There's -- at least set up a trust. I  
17 don't know if that's different. I've set up a trust  
18 in the past.

19 Q. When you say "we," who -- who do you mean  
20 when you say "we"?

21 A. It was a family trust, I believe.

22 Q. When was the family trust set up?

23 A. A couple years ago.

24 Q. And what assets were put into the family  
25 trust?

1 A. I'm not -- I don't recall, but I'm sure  
 2 we'll be able to get you access to that information.  
 3 Q. What's the name of the trust?  
 4 A. I think it's -- I think it's called the  
 5 Capbap Trust.  
 6 Q. I'm sorry. How do you spell that?  
 7 A. C-a-p-b-a-p.  
 8 Q. Capbap Trust?  
 9 A. The Capbap Trust, I believe that's what  
 10 it's called.  
 11 Q. And who is in charge of that trust? Who  
 12 would be the trustee of that trust?  
 13 A. Who's in charge of it?  
 14 Q. Yes, sir.  
 15 A. Let me think. An attorney. My attorney.  
 16 Q. What's your attorney's name?  
 17 A. Gary something. It's so long ago. Gary --  
 18 I'll remember, Mr. Crawford.  
 19 Q. So if we leave a blank in the deposition  
 20 transcript for his name, you'll be able to fill that  
 21 name in?  
 22 A. Gary is the first name. I just can't  
 23 remember the last name.  
 24 Q. Can you agree to find his last name and  
 25 fill that in in the deposition transcript?

1 A. Yes, sir. I will -- I'll -- I'll find it  
 2 for you.  
 3 Q. Who are the beneficiaries of that trust?  
 4 A. Can you hear me, sir?  
 5 Q. Yes.  
 6 Who are the beneficiaries of the trust?  
 7 A. I can't recall. We got to look at the  
 8 document.  
 9 Q. Where would the trust documents be?  
 10 A. It would be with Gary.  
 11 Q. Have you received any distributions from  
 12 that trust since September 24th of 2020?  
 13 A. No, sir.  
 14 -- have you made any equity  
 15 any private offerings?  
 16 ne?  
 17 u ever made any equity investments  
 18 fferings?  
 19 saying me personally?  
 20  
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Page 98

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17 Q. What financial institutions have you been a  
18 signatory with since September of 2017?  
19 A. I believe Bank of America, Wells Fargo,  
20 OneWest, Signature Bank. Let me think a little.  
21 What else? I think Morgan Stanley.  
22  
23  
24  
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Page 99

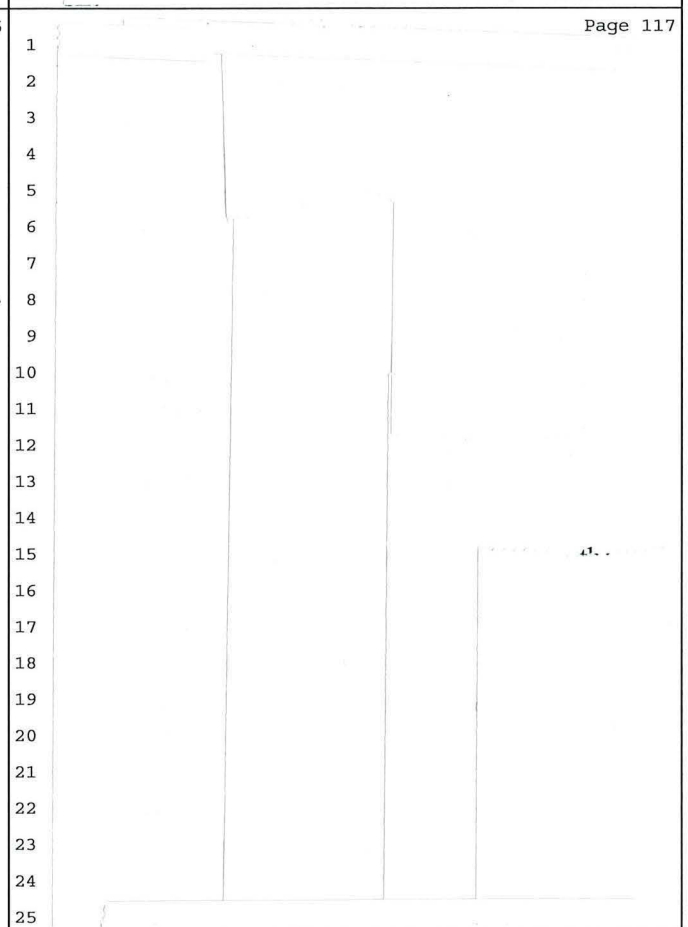
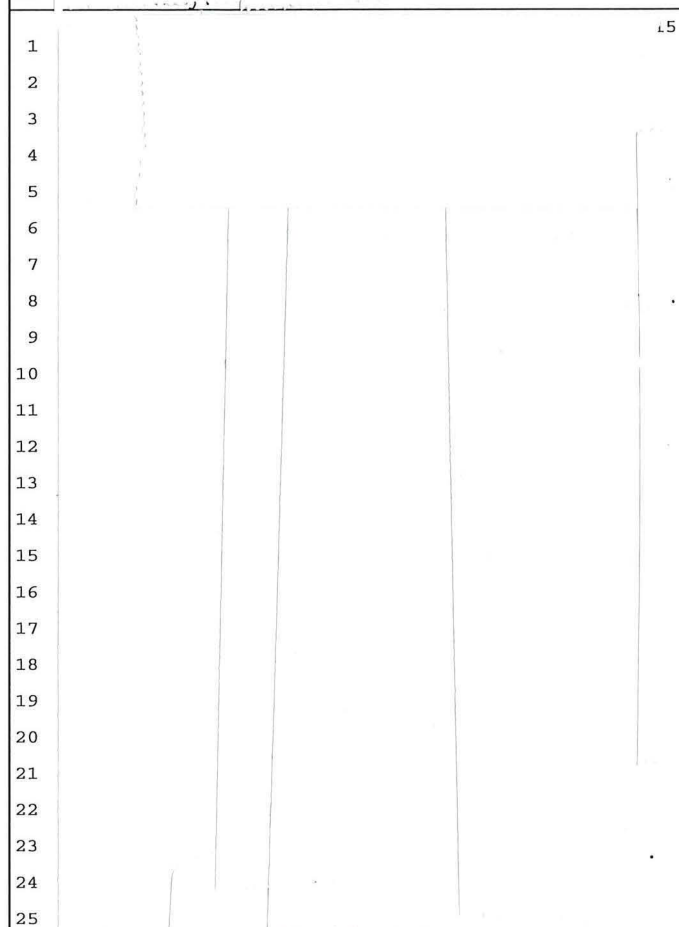
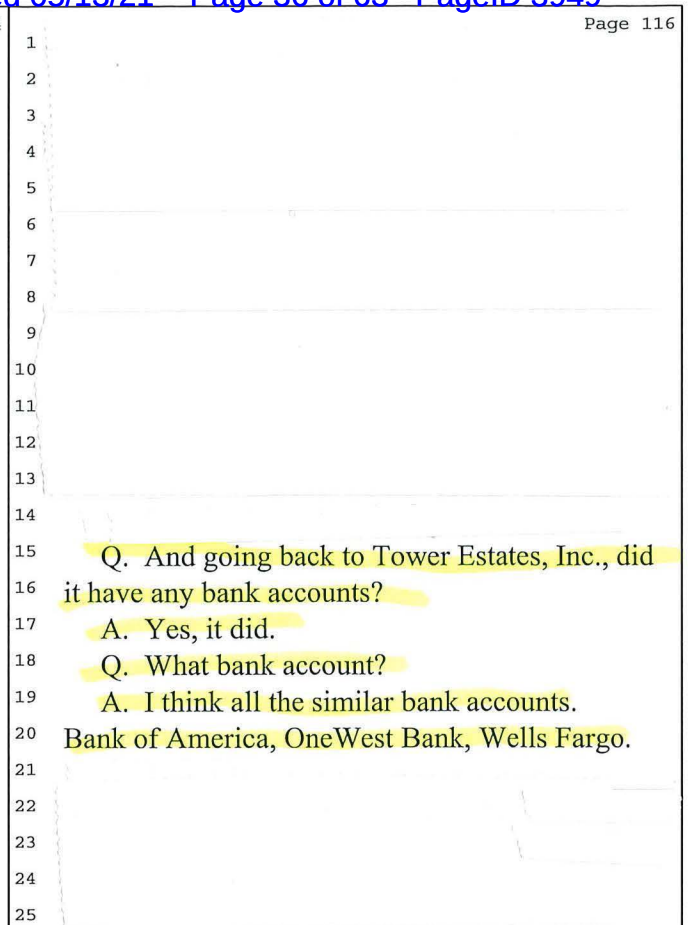
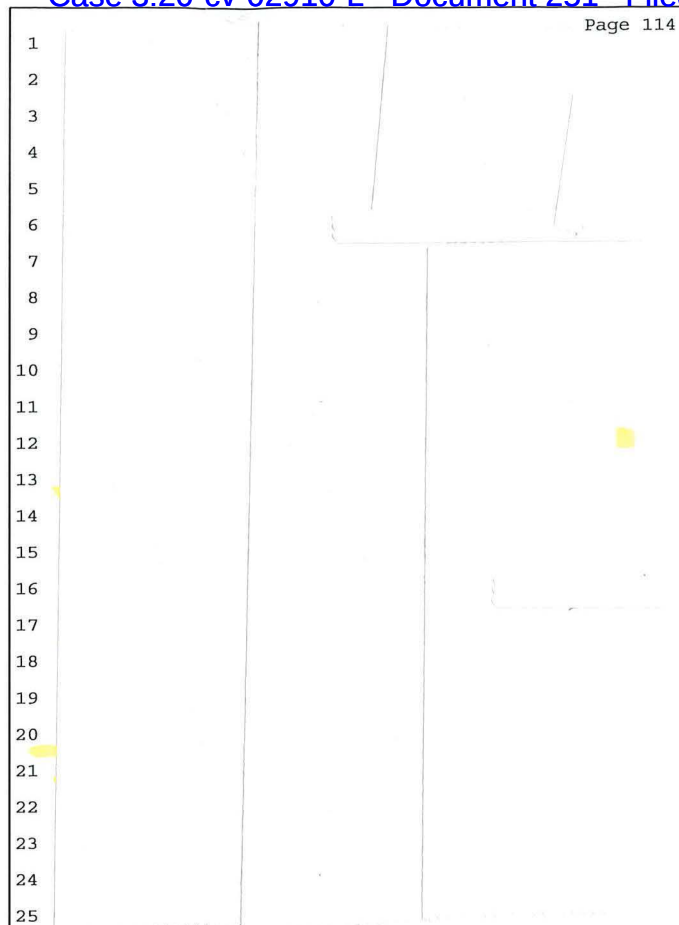
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17	17	17	17
18	18	18	18
19	19	Q. Have you ever heard of M as in "Maine," B	19
20	20	as in "boy," or MB Style, Inc.?	20
21	21	A. Repeat that? M-B what? Style?	21
22	22	Q. MB Style. S-t-y-l-e. MB Style, Inc.	22
23	23	A. Yes. Yes.	23
24	24	Q. What is that?	24
25	25	A. That's my mother's corporation.	25
Page 139		Page 141	
1	1	Q. Did MB Style, Inc., provide any goods or	1
2	2	services to you or any defendants?	2
3	3	A. Yes, it has.	3
4	4	Q. And would that be the decorating that you	4
5	5	talked about earlier?	5
6	6	A. Yeah, that, and I'm sure some other odd-end	6
7	7	stuff as well too. Yes.	7
8	8	Q. Well, what other odd-end stuff?	8
9	9	A. I -- I can't recall, but it would be mainly	9
10	10	setup, decorating, things of that nature.	10
11	11		11
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Kelly Crawford  
Receiver  
500 N. Akard, Suite 2700  
Dallas, Texas 75201  
(214) 706-4213  
kelly.crawford@solidcounsel.com

February 25, 2021

Via Electronic Mail and First Class Mail

Arnold Spencer  
Spencer & Associates  
5949 Sherry Lane, Suite 900  
Dallas, Texas 75225

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.*; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division

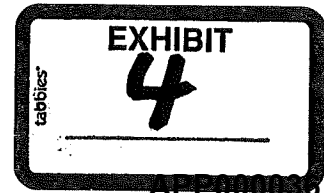
Dear Arnold:

This letter is directed to you as the current attorney of record for Defendant Simon Batashvili. During Mr. Batashvili's deposition taken on November 4, 2020, in which you represented Mr. Batashvili, Mr. Batashvili agreed to provide me with specific information. More than 3 months have elapsed since that deposition and Mr. Batashvili has failed to provide any of the information he promised.

As you are aware, pursuant to the Receivership Orders entered by the Court, Mr. Batashvili has a duty to provide information to me and to cooperate with me. His failure to provide information he agreed to provide to me under oath at his deposition violates the Receivership Orders. Prior to reporting Mr. Batashvili's violations of the Receivership Orders and his failure to provide the information he promised to provide at his deposition, I want to give Mr. Batashvili a final opportunity to provide such information.

Specifically, Mr. Batashvili testified he would provide me the following information:

1. The name of the attorney who is the trustee of the Capbap Trust and the trust documents that are with the attorney. *Page 86, lines 9-25; page 87, lines 1-2.*



February 25, 2021

Page 2

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2. A list of all financial institutions in which he has been a signatory. *Page 100, lines 11-22.*
3. The names of the attorneys at BakerHostetler who represented him personally in the last three years. *Page 128, lines 3-13.*
4. Contact information for Stewart Paul, his accountant. *Page 180, lines 4-12.*
5. His total compensation for 2018. *Page 180, lines 13-17.*

With respect to each of the foregoing items, I request that within one week Mr. Batashivili provide me the information he testified he would obtain. Should have you have any questions regarding any of the foregoing, please let me know.

Sincerely,

*/s/Kelly M. Crawford*

Kelly M. Crawford  
Receiver

cc: Rich Foelber, CFTC (via email)  
JonMarc Buffa, CFTC (via email)  
Chrissi Cella, Office of Attorney General, State of Texas (via email)  
Peter Lewis, Firm

---

From: Simon Batashvili  
Sent: Wednesday, April 29, 2020 5:01 PM CDT  
To: Gretchen Clark  
CC: Fainche MacCarthy  
Subject: Re: [EXTERNAL] Batashvili Insurance Policy

Let's move forward w it. Thank you for your help.

On Apr 29, 2020, at 2:36 PM, Gretchen Clark <gretchen\_clark@icloud.com> wrote:

Savings is \$3,868.90 annually w/ the multi-car discount on your policy and the cost difference between State Farm and AllState on the other two cars. (This assumes driving records don't change those numbers.)

On Apr 29, 2020, at 2:28 PM, Simon Batashvili <simon@towerequity.com> wrote:

DO you have a total savings amount by chance?

*Sent with Shift*

On Wed, Apr 29, 2020 at 2:26 PM Gretchen Clark <gretchen\_clark@icloud.com> wrote:

Simon, it definitely is a savings. Im assuming. You want to switch? You guys are currently paying quite a bit more for AllState. My assumption is this can still go up based on driving records, but prob still better than AllState at \$6061.99 annually. Your mom is \$4k.

I'll ask Natalie what next steps are.  
Sent from my iPhone

Begin forwarded message:

From: Natalie Ferrari <natalie.ferrari.tyta@statefarm.com>  
Date: April 29, 2020 at 2:06:59 PM PDT  
To: Gretchen Clark <gretchen\_clark@icloud.com>  
Cc: Fainche MacCarthy <fainche@fainche.com>, Simon Batashvili <simon@towerequity.com>  
Subject: RE: [EXTERNAL] Batashvili Insurance Policy

Hi Gretchen,

Thank you for the email and all the information. I have attached the auto quotes.





If the Mercedes and Land Rover is added the 2019 Mercedes policy will qualify for the multicar discount. The current premium is \$2,958.44. With the multicar discount the premium will decrease to \$2,373.95.

For the Jewelry policy, the premiums provided per deductible are annual. The policy can be put on a monthly payment plan. For items over \$5,000 I will need an appraisal no more than 5 years old to put the policy in force. Coverage can be started today.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance

18740 Oxnard St. #314

Tarzana, CA 91356

Office: 818-705-5846

Fax: 818-342-7614

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**It is my job to ask you about Life Insurance.**

**Please don't make it my job to tell your family you didn't have any.**

How much Life Insurance do you need? Click [HERE](#) to find out!

\*Please do not email me any personal sensitive information Social Security Numbers, Drivers License, Debt/Credit Card or Bank Account Numbers.

**APP000039**

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**From:** Gretchen Clark (mailto:[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com))  
**Sent:** Wednesday, April 29, 2020 1:19 PM  
**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>  
**Cc:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>; Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)>  
**Subject:** Re: [EXTERNAL] Batashvili Insurance Policy

Hi Natalie,

Can you also give us a quote to move two cars over to State Farm. Details are below for coverage.

Simon's mom, Manana Batashvili, drives Mercedes

And, Fainche and Simon drive Range Rover.

Let me know if you need anything else.

Thank you.

Gretchen

Sent from my iPhone

On Apr 29, 2020, at 11:18 AM, Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)> wrote:

Hi Natalie,

APP000040

We're interested in the below deductible preferences. Will you confirm the below costs are an annual charge, and can you bill us monthly and let us know what the monthly rate is? And, finally, how soon can this go into effect?

Thank you.

Gretchen

310.739,2268

Ring:

- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575

\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats, F-color, Clarity VS - \$2,300

No deductible- \$60

Barrings:

- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115

\$2000 deductible- \$933

- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575

\$2000 deductible- \$940

Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000

\$1000 deductible- \$105

Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100

\$500 deductible- \$104

Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

\$500 deductible- \$60

Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100

\$1000 deductible- \$233

Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600

\$1000 deductible- \$374

Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500

\$1000 deductible- \$249

Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

\$1000 deductible- \$373

Ladies 18K White Gold Emerald Step Cut Eternity Ring. 18 Emerald step cut diamonds, 8.56 carat total, Color G, VS1 - \$42,930

\$2000 deductible- \$415

Sent from my iPhone

On Apr 28, 2020, at 11:44 AM, Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)> wrote:

Thank you for providing the information. I have listed the quotes per item below. Each quote includes 4 deductible options. If you would like to see higher deductible options please let me know. Also note that you can choose the deductible per item and the minimum premium for this policy is \$60 annually.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent

APP000042

State Farm Insurance,  
18740 Oxnard St. #314  
Tarzana, CA 91356  
Office: 818-705-5846  
Fax: 818-342-7614

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**It is my job to ask you about Life Insurance.**

**Please don't make it my job to tell your family you didn't have any.**

How much Life Insurance do you need? Click [HERE](#) to find out!

\*Please do not email me any personal sensitive information Social Security Numbers, Drivers License, Debit/Credit Card or Bank Account Numbers.

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**From:** Gretchen Clark [[mailto:gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)]  
**Sent:** Monday, April 27, 2020 3:38 PM  
**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>  
**Cc:** Falinche MacCarthy <[falinche@falinche.com](mailto:falinche@falinche.com)>; Simon Batashvili  
<[simon@towerequity.com](mailto:simon@towerequity.com)>  
**Subject:** Re: [EXTERNAL] Batashvili Insurance Policy

Ring:

- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575

No deductible- \$1,487

\$500 deductible- \$1,237

**APP000043**

\$1000 deductible- \$1,047

\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats, F-color, Clarity VS - \$2,300

No deductible- \$60

\$500 deductible- \$60

\$1000 deductible- \$60

\$2000 deductible- \$60

Earrings:

- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115

No deductible- \$1,476

\$500 deductible- \$1,229

\$1000 deductible- \$1,040

\$2000 deductible- \$933

- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575

No deductible- \$1,487

\$500 deductible- \$1,237

\$1000 deductible- \$1,047

\$2000 deductible- \$940

Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000

No deductible- \$167

\$500 deductible- \$132

\$1000 deductible- \$105

\$2000 deductible- \$90

Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100

No deductible- \$131

\$500 deductible- \$104

\$1000 deductible- \$83

\$2000 deductible- \$71

Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

No deductible- \$86

\$500 deductible- \$60

\$1000 deductible- \$60

\$2000 deductible- \$60

Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100

No deductible- \$370

\$500 deductible- \$293

\$1000 deductible- \$233

\$2000 deductible- \$199

Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600

No deductible- \$593

\$500 deductible- \$469

\$1000 deductible- \$374

\$2000 deductible- \$320

Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500

No deductible- \$396

\$500 deductible- \$313

\$1000 deductible- \$249

\$2000 deductible- \$214

Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

No deductible- \$592

\$500 deductible- \$467

\$1000 deductible- \$373

\$2000 deductible- \$320

Ladies 18K White Gold Emerald Step Cut Eternity Ring, 18 Emerald step cut diamonds, 8.56 carat total, Color G, VS1 - \$42,930

No deductible- \$768

\$500 deductible- \$607

\$1000 deductible- \$485

\$2000 deductible- \$415

Thank you.

Gretchen

Sent from my iPad

On Apr 27, 2020, at 2:49 PM, Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)> wrote:

Hi Gretchen,

Thank you for the email. I spoke with Simon last month and started a renters policy on Conway Ave. The personal property coverage limit is \$700,000 and personal liability coverage limit is \$500,000. The Jewelry coverage maximum for the renters policy is \$1,500. To provide a quote for the Jewelry policy I'll need a breakdown of the cost per item and will need to know if any items are a pair or set.

Please contact me if you have any questions.

Thank you,

Natalie Ferrari

Lic. # 0125941

Fred Stahl, Agent



State Farm Insurance

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Tarzana, CA 91356

Office: 818-705-5846

Fax: 818-342-7614

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**From:** Gretchen Clark [[mailto:gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)]

**Sent:** Monday, April 27, 2020 1:58 PM

**To:** Natalie Ferrari <[natalie.ferrari.tyta@statefarm.com](mailto:natalie.ferrari.tyta@statefarm.com)>

**Cc:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>; Simon Batashvili  
<[simon@towerequity.com](mailto:simon@towerequity.com)>

**Subject:** [EXTERNAL] Batashvili Insurance Policy

Hi Natalie,

I am reaching out on behalf of Fainche and Simon Batashvili. I'd like to get an estimate to add some personal items to their insurance. I realize they don't have renters insurance with you so maybe you want to quote that as well? Below please find the details of what to estimate.

**APP000047**

224 Conway Ave  
Los Angeles, CA 90024

<image001.jpg>

Jewelry value is approx \$300k

Thanks,  
Gretchen  
310,739,2268

Sent from my iPhone

--  
Simon Batashvili  
*Venture Capitalist*  
Regd506c, EQUITY  
p: 877-506-7366  
f: 888-546-7568  
a: 8383 Wilshire Blvd,  
Beverly Hills, CA 90211  
w: [TowerEquity.Com](http://TowerEquity.Com)  
[Simon@TowerEquity.Com](mailto:Simon@TowerEquity.Com)

---

From: Gretchen Clark  
Sent: Thursday, May 14, 2020 6:25 PM CDT  
To: Natalie Ferrari; Simon Batashvili; Fainche MacCarthy  
Subject: Re: State Farm- policy follow up

Hi Natalie —

Please see below:

Nothing is kept in a Bank Vault.

Yes, when these items aren't being worn they are kept in a safe at home.

Yes, the round brilliant diamonds are for a pair of earrings.

Simon is a venture capitalist and Fainche is an set designer

See below for all details and proof of purchase, or authenticity for everything.

When you have a chance to review, would you please confirm they're all insured (Auto, Renters, Jewelry) and send relevant proof?

Thank you!  
Gretchen

**Ring w/ Proof of Payment Below**

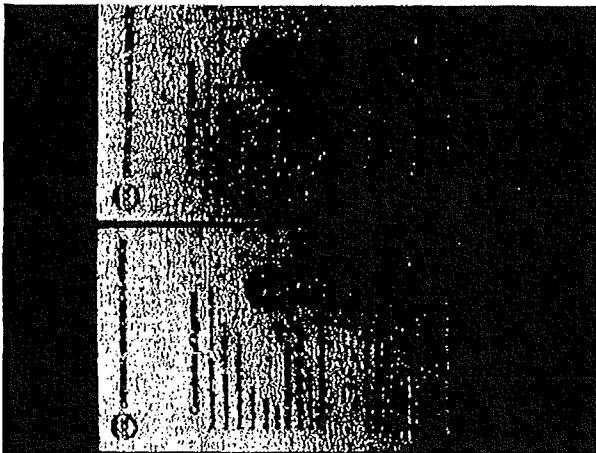
- Ladies 3-carat, F-color, VS-1 clarity Asscher Cut Solitaire - \$59,575  
\$2000 deductible- \$940

- Ladies 2-stone 18K white gold ring setting for Asscher cut diamond; .59 carats,  
F-color, Clarity VS - \$2,300  
No deductible- \$60

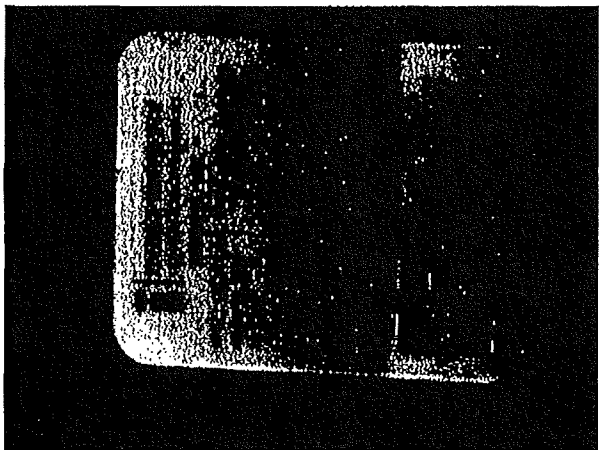


**Earrings:**

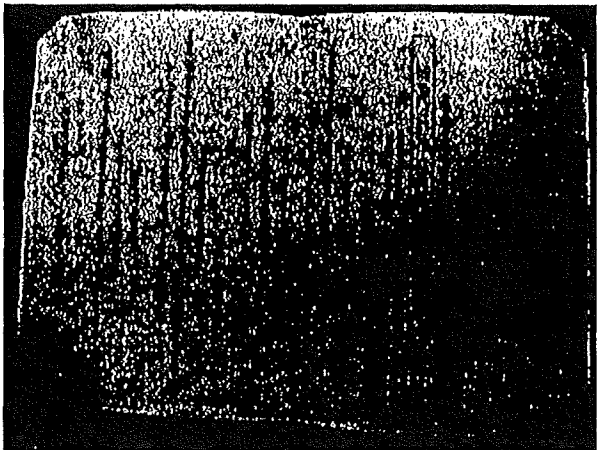
- Round Brilliant Diamond, 3.02-carat, Clarity SI-2, Color H - \$59,115  
\$2000 deductible- \$933
- Round Brilliant Diamond, 3.01-carat, Clarity SI2, Color G - \$59,575  
\$2000 deductible- \$940



Round Brilliant diamond earrings, 3.05CTTW, Color H-I, Clarity I1-I2 - \$13,000  
\$1000 deductible- \$105



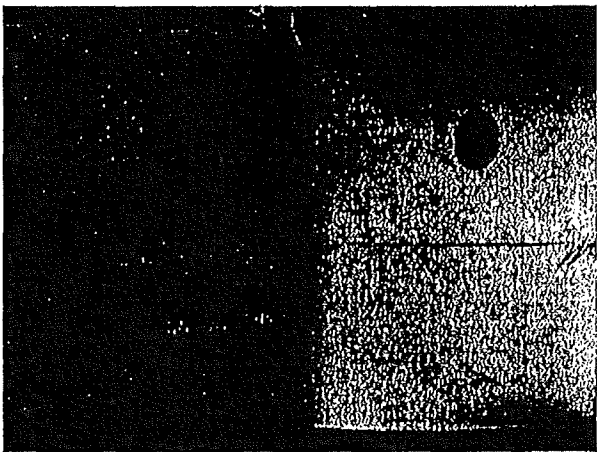
Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100  
\$500 deductible- \$104



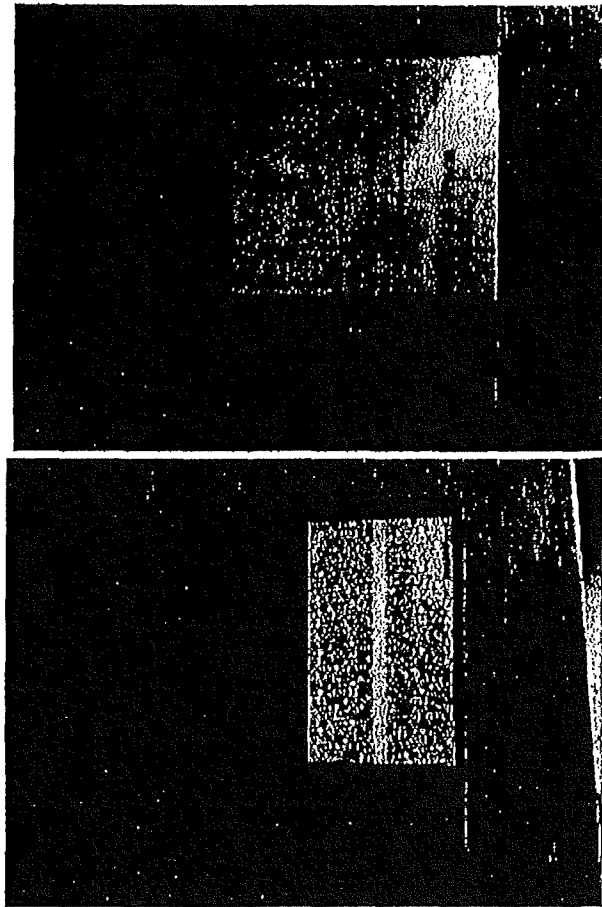
Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300

DO NOT INSURE

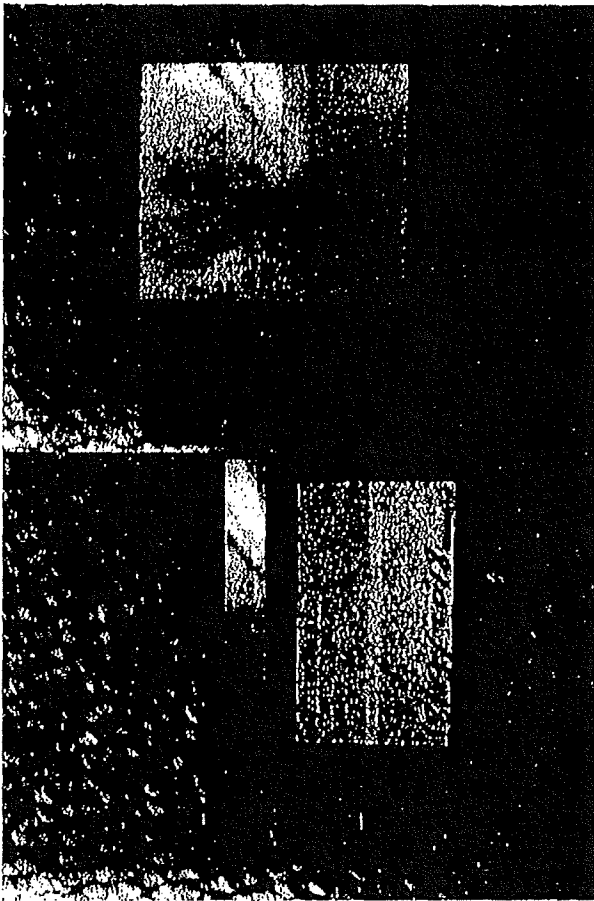
Ladies Cartier Watch, New Panthier MM, Yellow Gold Pave Bezel Quart -  
\$27,100  
\$1000 deductible- \$233



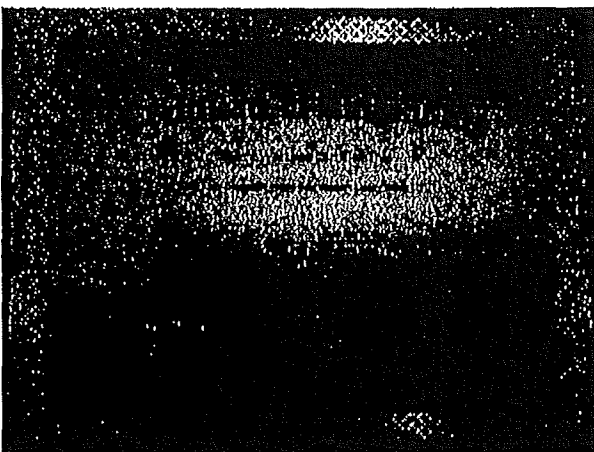
Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold -  
\$36,600  
\$1000 deductible- \$374



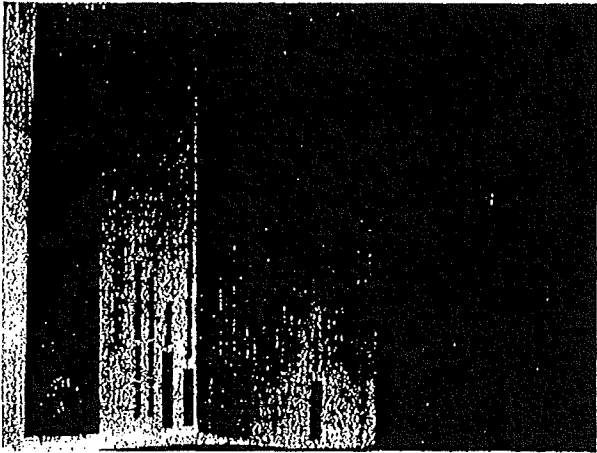
Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500  
\$1000 deductible- \$249



Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500  
\$1000 deductible- \$373



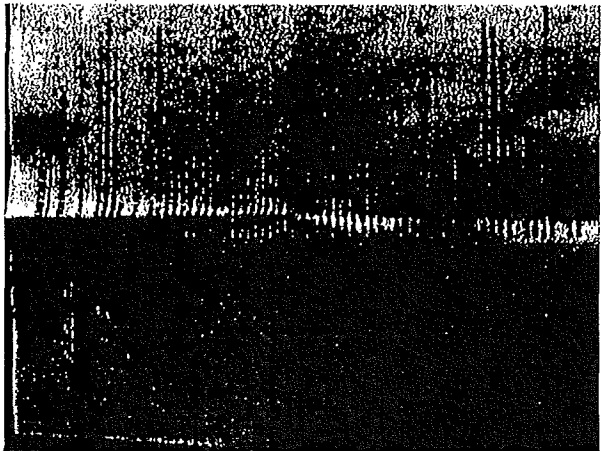
Ladies 18K White Gold Emerald Step Cut Eternity Ring. 18 Emerald step cut diamonds. 8.56 carat total, Color G, VS1 - \$42,930  
\$2000 deductible- \$415



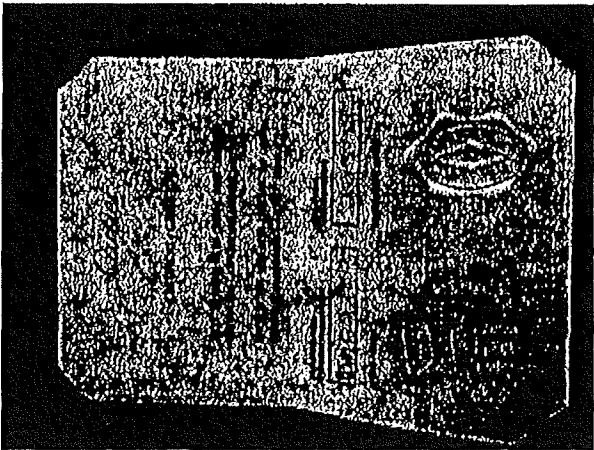
Can we add this as well?

Ladies 18k yellow gold Cartier Panthere De Cartier Cocktail Ring w/ 1.15 carats of round brilliant diamonds, pear-shaped emeralds and triangular onyx - \$20,700

Let's do \$1k deductible







Sent from my iPad

Hi Gretchen,

I hope this email finds you well. I'm writing today to follow up on the jewelry and umbrella policies. I have listed a few questions and a list of appraisals (or bill of sale) needed. Please contact me if you have any questions.

- Are any of the jewelry items kept in a bank vault? If so, which items.
- Is the jewelry kept in a safe when they are not worn?
- Reviewing the appraisals I'd like to confirm, are the round brilliant diamonds a pair for earrings? One is a 3.02 carat (coverage amount \$59,575) and the other is 3.01 carat (coverage amount \$59,115).
- What is the profession or occupation of each household member?

Appraisal or bill of sale for the following items;

- Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100
- Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300
- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quartz - \$27,100
- Men's Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

Thank you,

**Natalie Ferrari**

Lic. # 0125941

Fred Stahl, Agent

State Farm Insurance

18740 Oxnard St. #314

Tarzana, CA 91356

Office: 818-705-5846

Fax: 818-342-7614

APP000055

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**Please don't make it my job to tell your family you didn't have any.**

How much Life Insurance do you need? Click [HERE](#) to find out!

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---

From: Gretchen Clark  
Sent: Friday, May 8, 2020 1:49 PM CDT  
To: [fainche@fainche.com](mailto:fainche@fainche.com)  
CC: Simon Batashvili  
Subject: Re: Jewelry Insurance

Hi Simon,

Any progress with the receipts for the below items?

- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100
- Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

Thanks,  
Gretchen

Sent from my iPad

On May 5, 2020, at 12:12 PM, "[fainche@fainche.com](mailto:fainche@fainche.com)" <[fainche@fainche.com](mailto:fainche@fainche.com)> wrote:

Can you send receipts for the below - maybe you missed this before.

Begin forwarded message:

**From:** Gretchen Clark <[gretchen\\_clark@icloud.com](mailto:gretchen_clark@icloud.com)>  
**Subject:** Jewelry Insurance  
**Date:** 29 April 2020 at 4:25:42 pm GMT-7  
**To:** Fainche MacCarthy <[fainche@fainche.com](mailto:fainche@fainche.com)>, Simon Batashvili <[simon@towerequity.com](mailto:simon@towerequity.com)>

Hi there,

Do you guys have the appraisal paperwork for these items?

- Ladies Cartier Love Bracelet, yellow gold, 4 diamonds, 16 cm - \$10,100
- Ladies Cartier Love Bracelet, yellow gold, 16 cm - \$6,300
- Ladies Cartier Watch, New Panthers MM, Yellow Gold Pave Bezel Quart - \$27,100
- Mens Rolex Daytona 116528-GLDD Champagne Diamond 18k Yellow Gold - \$36,600
- Men's Rolex Cosmograph Daytona, Oyster, 40mm, Yellow Gold - \$28,500
- Ladies Rolex Day-Date 40, Oyster, 40mm, Yellow Gold - \$36,500

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Thank you.  
Gretchen

Kelly Crawford  
Receiver  
500 N. Akard, Suite 2700  
Dallas, Texas 75201  
(214) 706-42123  
kelly.crawford@solidcounsel.com

February 16, 2021

Via Electronic Mail to cdavis@grayreed.com

Chris Davis  
Gray Reed  
1601 Elm Street, Suite 4600  
Dallas, Texas 75201

RE: *Commodity Futures Trading Commission, et al v. TMTE, Inc. a/k/a Metals.com, Chase Metals, Inc., Chase Metals, LLC, Barrick Capital, Inc., Lucas Thomas Erb a/k/a Lucas Asher a/k/a Luke Asher, Simon Batashvili, Defendants and Tower Equity, LLC, Relief Defendant.*; Cause No. 3:20-CV-2910-L; pending in the United States District Court for the Northern District of Texas, Dallas Division

Dear Chris:

As we discussed at Mr. Asher's deposition, the following is a list of items Mr. Asher testified he would assist me with or provide information to me regarding:

1. Please produce a copy of the engagement agreement between Mr. Asher and Mr. Spencer. *See page 319, lines 15-22.*
2. Mr. Asher testified he informed Mr. Spencer of corporations I was not aware of. Please provide the names of such corporations. *See page 329, lines 4-17.*
3. Mr. Asher testified he would provide the address of the "We-Works like" office he spent time at on the Wednesday prior to his deposition. Please provide the address. *See page 344, line 25 and page 345, lines 1-2.*
4. Mr. Asher indicated he would take action to have the monies he deposited at Balboa Bank & Trust in Panama turned over to the Receiver. Please request Mr. Asher to contact the bank, obtain the relevant information about the account, and provide me such information with his consent for the turnover of the monies. *See page 350, lines 22-24.*



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5. Mr. Asher testified he would provide the amount of dividends he received from Tower Equity and Best New. *See page 356, lines 5-6.*
6. Mr. Asher testified he would provide his income from Chase Metals in 2019. *See page 356, line 21-22.*
7. Mr. Asher indicated he asked for information from Brager Tax Law Group, including tax returns, and Brager Tax Group refused because of monies owed. *See page 357, lines 17-22.* I provided Brager Tax Law Group with a copy of the receivership Orders and demanded the production of records. Brager Tax Law Group refused to make such production without Mr. Asher's consent, claiming an attorney client privilege with Mr. Asher. With respect to Mr. Asher's tax returns, in which there is no attorney client privilege, I request that Mr. Asher direct the Brager Tax Law Group to produce his tax returns to me.
8. Mr. Asher testified he would provide me with the telephone numbers he has used in the past three years. *See page 357, lines 23-24.*
9. Mr. Asher testified that he would find out the location of the bank accounts for MagicStar Arrow. *See page 379, lines 8-9.*
10. Mr. Asher testified he would find and share with me the name of the individual at Equidate who led the syndicate that Tower Equity invested in that in turn invested in Space Exploration, Inc. *See page 397, lines 23-25 and page 398, lines 1-4.*
11. Mr. Asher testified he would find out information about the acquisition of the painting by Jean-Michael Basquiat called "Per Capita" that was in the office at 8383 Wilshire Blvd. *See page 399, line 25 and page 400, lines 1-13.*
12. Mr. Asher testified he would determine what was purchased at VIBE Motorsports for \$2,400 as shown on his Capital One card. *Page 403, lines 20-23.*
13. Mr. Asher testified he would determine the ownership of Newmont Administration, Inc. or Newmont Financial. *See page 408, lines 12-18.*
14. Mr. Asher testified he would determine the ownership of Reagan Financial, Inc. *See page 408, lines 23-25 and page 409, lines 1-3.*

15. Mr. Asher testified he would contact Dennis Belichenko to obtain financial information to turn over to the receivership. *See page 412, lines 16-20.* His email is [dennis.sf@gmail.com](mailto:dennis.sf@gmail.com).
16. Mr. Asher testified he would call EquityZen and obtain information regarding the investments made by Tower and assist in transferring those investments to the Receiver. *See page 416, lines 21-25 and page 418, lines 14-20.*
17. Mr. Asher testified he would provide the name of the management company for Tower Equity and the name of other companies used to purchase properties. *See page 420, lines 14-18.*
18. Mr. Asher testified he would provide Blake Corbin's address. *See page 450, line 10.*
19. M. Asher testified he would assist in obtaining information from EquityZen and Forge regarding equity investments made by Tower Equity in Ripple and other investments. *See page 456, lines 11-14.*
20. Mr. Asher testified he would provide the addresses of the apartment complexes in Ft. Worth, Texas and Edinburg, Texas in which Tower invested. *See page 457, lines 15-17.*

With respect to each of the foregoing items, I request that Mr. Asher provide me the information he testified he would obtain. Should have you have any questions regarding any of the foregoing, please let me know.

Sincerely,

*/s/Kelly M. Crawford*

Kelly M. Crawford  
Receiver

cc: Rich Foelber, CFTC (via email)  
JonMarc Buffa, CFTC (via email)  
Chrissi Cella, Office of Attorney General, State of Texas (via email)  
Arnold Spencer, Esq. (via email)  
Peter Lewis, Firm